

Lubec Packing Company)	Departmental
Washington County)	Finding of Fact and Order
Lubec, Maine)	Air Emission License
A-150-71-I-M/R)	

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Lubec Packing Company (LPC) in Lubec, Maine has applied to renew and modify their Air Emissions License, permitting the operation of their sardine and fish products processing plant. LPC had leased the building and operations to Stinson (2000), however, Stinson closed shop in July of 2001. Since then the building and operations have remained idle, currently LPC plans to sell the facility or may operate it at a later date.

B. Emission Equipment

LPC is licensed to operate the following equipment:

Fuel Burning Equipment						
<u>Equipment</u>	<u>Date of Construction</u>	<u>Maximum Capacity (MMBTU/hr)</u>	<u>Fuel Type, % Sulfur</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Post Combustion Ctrl Eqpmnt</u>	<u>Stack #</u>
Boiler #1	Pre 1982	23.4	#5, #6, 2.0	182	none	1

C. Application Classification

The application for LPC does not include installation of new or modified equipment, but does include the request to burn fish oil in small amounts. There will be no change in current licensed allowed emissions, therefore, the modification represents an increase of less than four (4) tons/yr of any one regulated pollutant and less than eight (8) tons/yr of combined regulated pollutants. The license is considered to be a renewal of current licensed equipment with a minor revision to burn fish oil.

II. BEST PRACTICAL TREATMENT (BPT)

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

Process Description

LPC owns a sardine packaging facility in Lubec. LPC uses a salt water ice slurry refrigeration method, which insures that the fish are fresh. The temperature is held around 32°F and quality control inspection continues at every step of the process. In the packing room, sardine size herring are packed four to twelve fish per can. Larger fish become fish steaks and fillets. The packed cans are then cooked twice, first the packed herring go into huge cookers for 25 minutes. LPC's plant uses a large convection oven designed and constructed especially for seafood. Following the first cooking, the sauces are added to the sardines or fish steaks to enhance the flavor of the fish. The cans are then sealed and enter a retort for a final cooking. After cooling, the cans are inspected and hand packed for shipping.

Boiler #3

To meet the requirements for Best Practical Treatment (BPT) for the control of particulate matter (PM) emissions from Boiler #3, LPC shall not exceed 30% opacity on a 6 minute block average, except for no more than 2 six minute block averages in a 3 hour period, and shall not exceed a limit of 0.2 lb/MMBtu of PM emissions. Fuel use for Boiler #3 shall not exceed 170,000 gal/yr of #5 and/or #6 fuel oil with a sulfur content not to exceed 2.0% (based on a 12 month rolling total). LPC can also burn up to 8,000 gallons per year of fish oil in the boiler.

Lubec Packing Company)
Washington County)
Lubec, Maine)
A-150-71-I-M/R 3

**Departmental
Finding of Fact and Order
Air Emission License**

Regulated pollutants from the boiler are particulate matter (PM), particulate matter with a diameter smaller than 10 microns (PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), and volatile organic compounds (VOC).

Facility Emissions and Fuel Use Caps

Based on the total use of 170,000 gal/yr of #5 or #6 fuel oil with a sulfur content not to exceed 2.0% by weight and up to 8,000 gallons of fish oil, total allowable annual emissions for the boiler are as follows:

Total Allowable Annual Emissions for the Facility
(used to calculate the annual license fee)

<u>Pollutant</u>	<u>TPY</u>
PM	2.6
PM ₁₀	2.6
SO ₂	26.7
NO _x	6.4
CO	0.4
VOC	0.2

III. AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a renewal source shall be determined on a case-by-case basis. Modeling and monitoring are not required of a renewal if the total emissions of any pollutant released do not exceed the following:

<u>Pollutant</u>	<u>TPY</u>
PM	50
PM ₁₀	25
SO ₂	50
NO _x	100
CO	250
VOC	250

Based on the above total facility emissions, LPC is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards, and
- will not violate applicable ambient air quality standards, or increment standards either alone or in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-150-71-I-M/R, subject to the following conditions:

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (Title 38 MRSA §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115.
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both.
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request.

- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353.
- (6) The license does not convey any property rights of any sort, or any exclusive privilege.
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions.
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license.
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license.
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
 - (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - a. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - b. pursuant to any other requirement of this license to perform stack testing.

- (ii) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - (iii) submit a written report to the Department within thirty (30) days from date of test completion.
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- (i) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - (ii) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - (iii) the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such

occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation.

- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.

SPECIFIC CONDITIONS

- (16) The licensee shall limit fuel use for boiler 1 to no more than 170,000 gal/yr of #5 or #6 fuel oil (based on a 12 month rolling total) with a maximum sulfur content not to exceed 2.0% by weight. LPC shall also limit the amount of fish oil combusted to less than 8,000 gallons per calendar year. The licensee shall maintain monthly oil use records to demonstrate compliance with the fuel use and fish oil limits.
- (17) Boiler #1
- Visible emissions from the boiler shall not exceed 30% opacity on a 6-minute block average, except for no more than 2 six-minute block averages in a 3-hour period.
 - Fuel use records and receipts for Boiler #1 shall be maintained for at least six years and made available to the Department upon request.
 - Emissions from Boiler #1 shall be limited to the following:

Boiler Emission Limits

<u>Equipment</u>		<u>PM</u>	<u>PM₁₀</u>	<u>SO₂</u>	<u>NO_x</u>	<u>CO</u>	<u>VOC</u>
Boiler 1	lb/MMBtu	0.20	---	---	---	---	---
	lb/hour	5.46	5.46	57.15	13.65	0.91	0.23

- (18) LPC shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order.

Lubec Packing Company
Washington County
Lubec, Maine
A-150-71-I-M/R

)
)
)
8

**Departmental
Finding of Fact and Order
Air Emission License**

(19) The term of this order shall be for five (5) years from the signature date below.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2001.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
MARTHA G. KIRKPATRICK, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: February 26, 2001

Date of application acceptance: March 7, 2001

Date filed with Board of Environmental Protection: _____

This order prepared by Edwin L. Cousins, Bureau of Air Quality